IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13904 of 1998

Between:

1. S. Panduranga Reddy s/o Subba Reddy, 32 years, r/o 16/427, Srinivasa Agraharam, Nellore.
2. K. Malakonda Reddy s/o Rami Reddy, 30 years, r/o 27-1/852, Balajinagar, Nellore.

..... PETITIONERS

AND

1. The Regional Transport Authority, Nellore, rep., by its Secretary.
2. The Secretary, Regional Transport Authority, Nellore, rep., by its Secretary.
3. APSRTC rep., by its Managing Director, Musheerabad, Hyderabad.

(R.3 is added as per the orders of the Court dated 17-01-2005 vide W.P.M.P.No. 15846 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, holding that the action of the respondents in not considering and granting the variation of existing routes; Munagallu to Buchireddipalem and Jonnawada to Buchireddipalem by way of extension from Buchireddipalem to Atmakur bus stand in compliance with the orders of this Hon’ble Court in W.P.No. 2878/97 dated 14-02-1998 as arbitrary,

illegal and consequently direct the respondent No.2 herein to permit the petitioners to ply their vehicles AEN-2854 and A.P. 26/T-2066 on the varied portion from Buchireddipalli to Atmakur Bus stand.

Counsel for the Petitioners: MR. B.S. SIVA PRASAD

Counsel for the Respondents No.1 & 2: G.P. FOR TRANSPORT.

Counsel for the Respondent No.3: Mr. K. SRINIVAS RAO, S.C. FOR APSRTC.

The Court made the following:

Oral order:-

The petitioners, two in number, hold pucca stage carriage permits in Nellore district, the 1st petitioner, on the route Munagallu to Buthireddipalem on which he is plying his vehicle bearing registration No. AEN 2854; and the 2nd petitioner on the route Jonnawada to Buchireddipalem in respect of which he is plying his vehicle bearing registration No. AP. 26/T-2066.

On 25-09-1996 both the petitioners filed applications for variation of their existing routes by way of extension from Buchireddipalem to Atmakur bus stand. These applications were not disposed of. They then filed a writ petition – W.P.No.2878 of 1997 – for a direction to the authorities to consider and dispose of their applications. By the order dated 14-02-1997, W.P.No. 2878 of 1997 was disposed of directing that the petitioners' applications dated 25-09-1996 be considered by the respondents, in accordance with law, within two months.

Neither the statutory responsibility of the respondents under the provisions of the Motor Vehicles Act, 1988 nor even the Mandamus issued by this court in W.P.No. 2878 of 1997 were adequate to rouse the respondents from their self-imposed slumber. In the circumstances, the petitioners filed the present writ petition for a declaration that the action of the respondents in not considering and granting variation of existing routes on their applications dated 25-09-1996 is arbitrary and illegal and for a consequential direction.

The respondents have not filed a counter affidavit in this writ petition, despite over six years having elapsed from the date of institution of the writ petition. An inference is, therefore, warranted that the allegation of the petitioners that the respondents have not disposed of their applications for grant of variation of the existing route, despite a long lapse of time, is correct. A consequent inference that the respondents have failed to perform their statutory obligations is also a legitimate inference.

In the circumstances above, the writ petition is disposed of directing the 1st respondent to convene, consider and dispose of the petitioners' representations

dated 25-09-1996 for variation of the existing routes Munagallu to Buchireddipalem and Jonnawada to Buchireddipalem by way of extension from Buchireddipalem to Atmakur bus stand, within a period of two weeks from the date of receipt of a copy of this order. In this, the respondents shall fail not. The interim order dated 15-05-1998 granted by this court stands dissolved.

In view of the failure of the respondents in filing a counter affidavit denying the allegations in the writ petition, the inference is compelling that the respondents have not complied with their statutory obligations either under the provisions of the Motor Vehicles Act, 1988 nor with the directions of this court dated 14-02-1998 in W.P.No. 2878 of 1997. In the circumstances, the writ petition is disposed of with exemplary costs of Rs.10,000-00 (Rupees ten thousand only) payable by the 1st and 2nd respondents, of which Rs.5,000-00 (Rupees five thousands only) shall be paid to both the petitioners and Rs.5,000-00 (Rupees five thousand only) to the Secretary, A.P. State Legal Services Authority, Hyderabad, within a period of four (4) weeks from today.

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GODA RAGHURAM, J

Dt. 17-01-2005

Pvks/*

Nb: A copy of this order shall be marked to the Secretary, A.P. State Legal Services Authroity, Hyderabad for information.

B/o pvks

To

1. The Secretary, the Regional Transport Authority, Nellore.
2. The Secretary, Regional Transport Authority, Nellore,.
3. The Managing Director, APSRTC, Musheerabad, Hyderabad.
4. 2CCs to the Government Pleader for Transport, A.P. High Court

Buildings, Hyderabad. (OPUC).

5. The Secretary, A.P. State Legal Services Authority, A.P. High Court Buildings, Hyderabad

6. 2CD copies

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